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# ALASKA'S NATIONAL INTEREST LANDS (d-2)

## a summary

by

Alan C. Epps

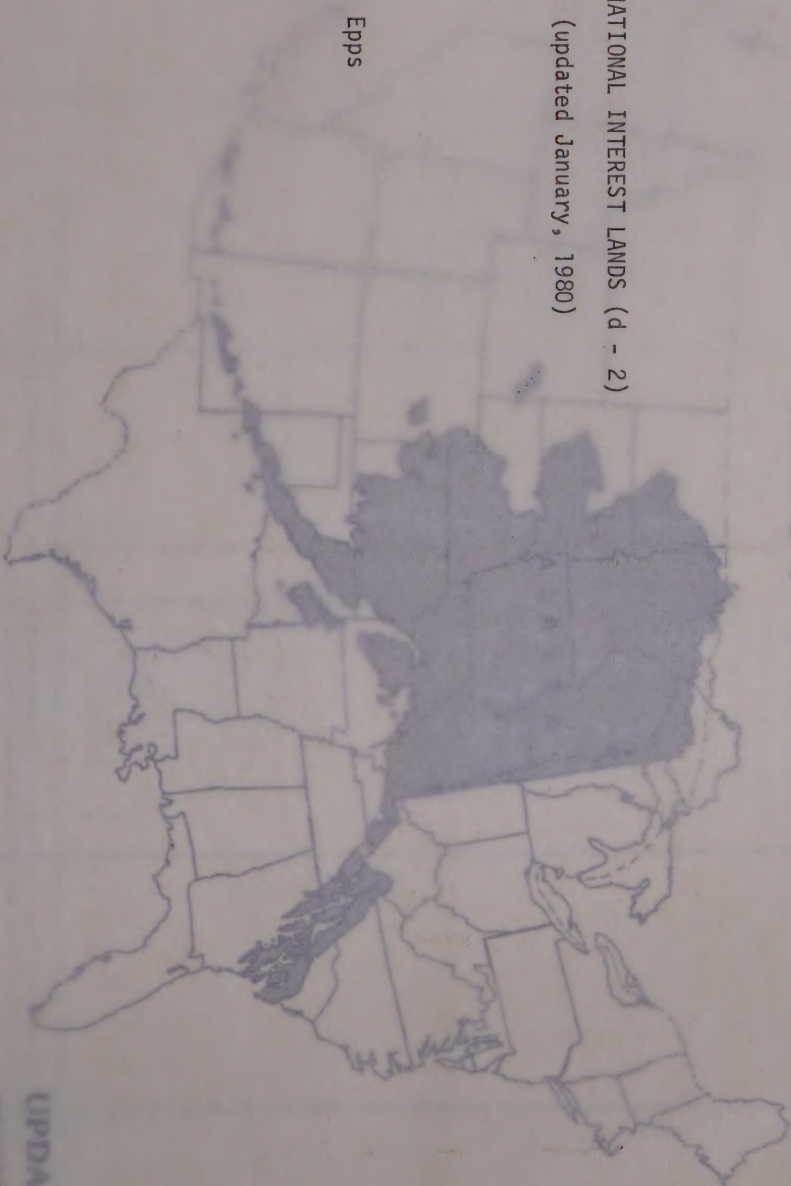
Cooperative Extension Service, University of Alaska  
and U.S. Department of Agriculture Cooperating  
sources & Land Use

Planning Specialist

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A SUMMARY (updated January, 1980)

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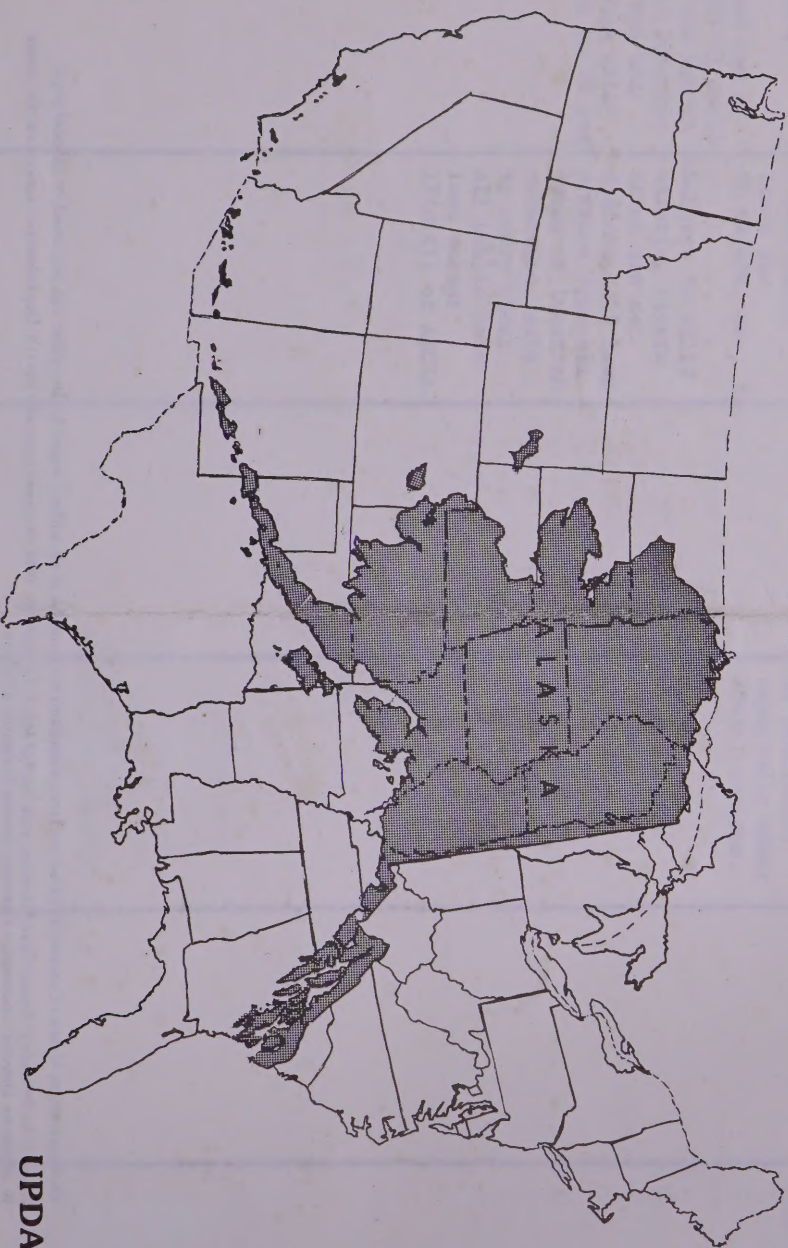
# ALASKA'S NATIONAL INTEREST LANDS (d-2)

## a summary

by

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FEDERAL ACTION	REVOCATION OF 1978 EXECUTIVE OR ADMIN. ORDERS	CONVEYANCE OF STATE & NATIVE LANDS	REASONABLE ACCESS ACROSS FEDERAL LANDS	STATE MANAGEMENT OF FISH & GAME	EXCLUSION OF MINERALIZED AREAS	CONTINUATION OF TRADITIONAL USES	NO MORE CLAUSE
Secretarial Withdrawals under FLMPA, PLO 5654 Nov. 17, 1978	-These currently stand except for the Presidential Proclamations #4611-4627, 12/1/78 which created 57.97 million acres of monuments.	-Some 10-12 million acres which have been selected by the State of AK are withdrawn, except for 1972 out-of-court settlement lands & Cook Inlet lands per PL 94-456, Sec. 3.	-Traditional access allowed subject to valid existing rights (which are not defined.)	-No effect unless the State wanted to exercise habitat manipulation (improve salmon spawning areas, controlled burns, etc.) which might be precluded, especially under 204(c) actions.	-All areas closed to mineral entry subject to valid existing rights (which are not defined.)	-Prospecting, home-steading, recreational cabin construction & the use of motorized vehicles on proposed "Wild & Scenic Rivers" prohibited.	-The FLMPA, PLO 5654, process is applicable to all Alaska lands except existing Parks & Monuments of 74.87 million acres, the State's patented lands of 20.2 million acres & the 44.0 million acres of Native lands. Sec. 204 could therefore be applied to 235.93 million acres of Alaska.
Sec. 204(e) 110.00							
Sec. 204(b) 11.00							
Wild & Scenic River W/drawals 2.32							
Wilderness None							
TOTAL: 123.32	-Proposed use of Sec. 204(c) could allow the Secretary of Interior to extend the remaining withdrawals to 20 yrs.	-Subject to valid existing rights which are not defined, all land w/drawn from all forms of location selection, sale or entry under all public land laws except 17(d) (1) of ANCSA.					





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<p>Antiquities Act Monuments</p> <p>Presidential Proclamations #4611-4627, Dec. 1, 1978</p> <p>(M.A.)</p> <p>Park monuments 41.22</p> <p>Fish &amp; Wildlife Monuments 11.80</p> <p>Forest Monuments 3.95</p> <p>TOTAL: 56.97</p>	<p>-These currently stand.</p> <p>-They may only be revoked by act of Congress or possible judicial determination.</p>	<p>-State lands w/in Monuments:</p> <p>Patented (M.A.) .119</p> <p>TA'd .210</p> <p>'72 select. 1.200</p> <p>11/14/78 selections 5.000</p> <p>TOTAL: 6.529</p> <p>-Except for '72 out-of-court settlement lands &amp; patented land, Alaska will likely not acquire the remaining 5.21 million acres.</p> <p>-Native lands w/in the monuments amount to some 6.85 million acres.</p>	<p>-Aircraft to traditional designated landing areas.</p> <p>-Snow machines, ORV's, and boats allowed for subsistence purposes.</p> <p>-Access granted in exercise of valid property rights.</p> <p>-New right-of-way prohibited unless compatible with monument.</p> <p>-AK Area Director may close monuments after notice and public hearing</p>	<p>-Closes 41.22 million acres of prime hunting area to sport hunting.</p> <p>-Prohibits habitat manipulation on at least 53.02 million acres.</p> <p>-Allows subsistence on all but Kenai Fjords Monument.</p> <p>-Subsistence user is determined as local resident.</p> <p>-Trapping allowed for personal consumption.</p> <p>-Superintendent may close monument to subsistence for up to 60 days.</p> <p>-Secretary may close monument to subsistence longer or permanently after notice &amp; public hearing.</p>	<p>-Monuments w/drawn from all mineral entry subject to valid existing rights (which are not defined.)</p>	<p>-Firewood cutting prohibited unless compatible with the monument.</p> <p>-Prospecting prohibited.</p> <p>-Hunting &amp; trapping prohibited on Park Service monuments.</p> <p>-Subsistence allowed.</p> <p>-Existing commercial fishing permits recognized under applicable state &amp; federal law.</p>	<p>-The Dec. 1 action appears to have set the precedent that the use of the Antiquities Act is applicable in Alaska to everything, with the possible exception of the State's 20.2 million acres which are patented &amp; the 44 million acres of Native lands. This means that potentially 310.8 million acres of Alaska are subject to Presidential use of the Antiquities Act.</p>





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<p>H.R. 39, as passed by the U.S. House of Representatives, May 24, 1979 (M.A.)</p> <p>Parks/Monuments 27.0 Preserves 17.0 Refuges 79.0 Forests 2.5 Wild &amp; Scenic Rivers 2.0</p> <p>TOTAL: 127.5</p> <p>Wilderness</p> <p>- New areas 40.0 - Redesignation of existing areas 27.5</p> <p>TOTAL: 67.5</p> <p>TOTAL AREA AFFECTED: 155.0</p>	<p>-The monuments are by-and-large ratified to parks or monuments and the Sec. 204 w/drawals are largely ratified into refuges or wilderness areas.</p> <p>-Some boundary changes occur &amp; in the case of preserves, major changes of uses.</p>	<p>-Encompasses some 4 million acres of the TA'd and pre-ANCSA selections.</p> <p>-Denies 12 million acres of the State's 11/14/78 selections, including areas on the Yukon Flats, in the Ambler Valley and around Lake Iliamna.</p> <p>-Some 20-25 million acres of Native lands would become inholdings within parks, monuments and refuges.</p> <p>-Land trades with Alaska Native corporations provide for improved land management.</p>	<p>-Access to inholdings is guaranteed for both economic and commercial purposes.</p> <p>-Traditional modes of travel shall be permitted to continue in all units, but traditional modes are not defined.</p> <p>-New rights-of-way under existing law which gives the Secretary of the Interior nearly total authority except where existing law prohibits new rights-of-way, but they must also be approved by the President and Congress.</p>	<p>-Closes 27.0 million acres of Alaska to sport hunting and trapping.</p> <p>-Prohibits habitat manipulation on at least 105.9 million acres.</p> <p>-Creates a complex system of subsistence management which must be followed by the State, or the Secretary may override.</p> <p>-Establishes rural resident as priority user of all Federal public lands.</p>	<p>-Withdraws 145 million acres from mineral entry.</p> <p>-Closes to leasing some 40 million acres of high oil &amp; gas potential, including the north slope of the Arctic Wildlife Range.</p> <p>-Effectively prevents surface access across the south flank of the Brooks Range.</p>	<p>-Traditional use of airplanes, motorboats and snowmobiles is allowed.</p> <p>-Fisheries activities limited and allowed only in Forest Wilderness.</p> <p>-Cabins allowed only in Forest Wilderness, banned in 61 million acres.</p> <p>-Private inholdings can be condemned and acquired by determination of the Secretary of the Interior.</p> <p>-Sport hunting &amp; trapping limited as may be subsistence trapping, since it is not specifically exempted.</p> <p>-Subsistence uses not allowed.</p>	<p>-Not addressed.</p>





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<p>S.9 (H.R. 39 amended) as reported by the Senate Energy Committee November 14, 1979 (M.A.)</p> <p>Parks/Monuments 22.2 Preserves 18.0 Recreation Areas 4.8 Refuges 41.0 Forests 8.7 Wild &amp; Scenic Rivers 1.2 Conservation Areas 7.4</p> <p>TOTAL: 103.3</p> <p>Wilderness - New Areas 24.8 - Redesignation of Existing Areas 13.5</p> <p>TOTAL: 38.3</p> <p>Special Forest Management Areas 2.1</p> <p>TOTAL AFFECTED AREAS: 119.4</p>	<p>-All '78 monuments &amp; emergency w/drawals are retracted &amp; are subject to the provisions of the bill.</p>	<p>-Excludes nearly all of the State's lands which are patented, TA'd or selected except 5 million acres of the 11/14/78 selections which are denied.</p> <p>-Contains an expedited conveyance of State selections.</p> <p>-State shall receive priority selections from the 11/14/78 selections on the Yukon Flats, the Chulitna area, the Ambler Valley and around Iliamna Lake.</p> <p>-Land trades with Alaska Native corporations provided for improved land management.</p>	<p>-Access to inholdings are guaranteed for economic and other purposes.</p> <p>-Traditional modes of travel, including aircraft landing in all areas, shall be permitted.</p> <p>-Establishes a process which requires 1) joint planning by the State, U.S. Dept. of Interior &amp; U.S. Dept. of Transportation, 2) Agency heads must issue findings within a given time frame, 3) These decisions are made based upon 9 criteria which includes alternatives &amp; economic considerations, 4) Congressional review required for wilderness, 5) In court challenges, the Secretary has the burden of proof, not the applicant.</p>	<p>-Specifically provides for continuing existing relationship between State &amp; Federal government on fish &amp; game management.</p> <p>-Trapping specifically allowed in preserves.</p> <p>-Creates a complex system of subsistence management which the State must follow or the Secretary of the Interior may override.</p> <p>-Closes 22.2 million acres to sport hunting &amp; trapping.</p> <p>-Prohibits habitat manipulation on at least 54.9 million acres.</p> <p>-Specifically provides for subsistence use on only the following monuments: Kobuk, Cape Krusenstern, and Gates of the Arctic.</p>	<p>-Withdraws 83 million acres from mineral entry.</p> <p>-Closes to leasing some 24 million acres of high oil &amp; gas potential.</p> <p>-Calls for a 5 year program to study the potential of the north slope of the Arctic Wildlife Range.</p> <p>-Calls for an 8 year study of the entire North Slope</p> <p>-Provides for expedited leasing on Federal lands.</p> <p>-Places more major mineralized areas in multiple use or state ownership</p> <p>-Designates an access corridor across south flank of Brooks Range.</p> <p>-Excludes US Borax from a conservation system &amp; permits development under specified requirements.</p>	<p>-Continued use of motorized access cannot be prohibited w/out a hearing, and the Secretary of the Interior must show resource damage to justify closure.</p> <p>-Existing cabins allowed as are new ones in all wilderness areas.</p> <p>-People living in cabins prior to Dec. 1973 shall be allowed to remain.</p> <p>-People living in cabins between Dec. 1973 &amp; Dec. 1978 may be permitted to remain.</p> <p>-Condemnation can only occur after the Secretary of Interior makes special findings that resource values are being damaged and a land exchange with the inholder has been attempted.</p> <p>-Fisheries activities permitted except in Park Wilderness areas.</p>	<p>NOT ADDRESSED.</p>

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summary of current congressional  
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